

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

JARVIS AUGUSTS WARE,

Plaintiff,

v.

LT. LANEY, ET. AL.,

Defendants.

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1:07-CV-129 (WLS)

ORDER

Before the Court is a Recommendation from United States Magistrate Judge Richard L. Hodge (Doc. No. 21), filed July 15, 2008. It is recommended that Defendants' motion to dismiss, which upon notice was converted to a motion for summary judgment, for failure to exhaust administrative remedies (Doc. Nos. 11) be granted. Plaintiff has filed a timely written objection. (Doc. No. 25).

Plaintiff argues that the Magistrate Judge's recommendation is wrong, but at the same time Plaintiff admits that he did not complete the appeal grievance form. Plaintiff, without authority, argues that his other actions should be deemed to have completed the administrative grievance procedure and as a result, exhaustion requirements. Without more, the argument is without merit.

Upon full review and consideration upon the record, the Court finds that said Recommendation (Doc. No. 21) should be and hereby is, **ACCEPTED, ADOPTED** and

made the order of this Court for reason of the findings and reasons set out therein, together with the findings made, reasons stated and conclusion reached herein. Accordingly, said motion to dismiss (Doc. No. 11) is **GRANTED** and the action is **DISMISSED**. Any remaining motion (Doc. No. 16) is **DENIED as moot**.

SO ORDERED, this 5th day of September, 2008.

/s/W. Louis Sands
W. LOUIS SANDS, JUDGE
United States District Court